

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GARY WAYNE SUTTON)
)
Petitioner,)
v.) No. 3:06-cv-388
) (VARLAN/SHIRLEY)
RICKY BELL, WARDEN,)
) DEATH PENALTY
Respondent.)

ORDER

Petitioner Gary Wayne Sutton (“Sutton”), a state prisoner confined in the Riverbend Maximum Security Institution in Nashville, Tennessee under a sentence of death, has filed a petition for the writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 (Doc. 14). Petitioner filed his first motion for discovery on May 18, 2007 (Doc. 15). Respondent’s response to Petitioner’s first motion for discovery was due on Monday, June 4, 2007. On Friday, June 1, 2007, Respondent filed the instant motion requesting an extension of time, until July 2, 2007, in which to file a response to Petitioner’s discovery motion (Doc. 16). Respondent’s counsel asserts a response to the habeas petition, which is not due until June 25, 2007, will aid him in crafting an appropriate and clear response to the Petitioner’s first motion for discovery and aid the Court in its determination of the issues raised in the motion for discovery. The motion reflects Petitioner’s counsel has no objection to the requested extension. The motion for extension of time is **GRANTED** (Doc. 16). Accordingly, Respondent **SHALL** file a response to Petitioner’s discovery motion on or before **July 2, 2007.**

Also before the Court is a motion to withdraw filed by respondent's attorney, Alice B. Lustre (Doc. 17). As support for the motion, counsel asserts she is no longer representing Respondent. As it appears that Clarence E. Lutz remains as counsel for Respondent, the motion is **GRANTED** (Doc. 17).

SO ORDERED.

E N T E R :

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge